



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 632

Chairperson: Patrick J. Bourne
Committee: Judiciary
Date of Hearing: February 25, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 632 amends the Nebraska Criminal Code by adding two new offenses:

- *Unlawful possession of a firearm or ammunition pursuant to a domestic assault conviction; and*
- *Unlawful possession of a firearm or ammunition while subject to a protection order.* [section 1]

Under the bill, any person who has been convicted of domestic assault under Nebraska law who subsequently possesses a firearm or ammunition is guilty of *unlawful possession of a firearm or ammunition pursuant to a domestic assault conviction*. Violation of this provision would be a Class IV felony. [sections 3 and 7]

Under the bill, any person who possesses a firearm or ammunition while subject to a protection order issued under Nebraska law, when the order was issued after actual notice and the person had the opportunity to participate in the proceedings issuing the order, is guilty of *unlawful possession of a firearm or ammunition while subject to a protection order*. Violation of this provision would be a Class IV felony. [sections 4 and 7]

A court may allow a peace officer who, as a condition of employment, is required to carry a firearm and whose personal safety depends upon the ability to carry a firearm to carry a firearm, either on or off duty, when that peace officer has been found guilty of *unlawful possession of a firearm or ammunition while subject to a protection order* and if the peace officer does not pose a threat of harm to himself or herself or to any family or household member. Prior to granting this authority, the court shall require a psychological evaluation of the peace officer and may require the peace officer to enter into counseling or some other remedial treatment program to deal with any propensity for domestic violence. [section 5]

Any firearm in the possession of any person in violation of the provisions of this bill shall be confiscated by a peace officer. The firearm shall be held by any agency employing the peace officer until it is no longer required as evidence. [section 6]

Principal Introducer:

Senator Rich Pahls